

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HEATHER PARKER,

PLAINTIFF,

vs.

TARGET CORPORATION, ET AL.,

DEFENDANTS.

CASE NO.

JUDGE

NOTICE OF REMOVAL

Now comes Defendant, Target Corporation (“Target”), by and through the undersigned counsel and hereby timely files this removal pursuant to 28 U.S.C. Sections 1332, 1441 and 1446, removing this matter from the Court of Common Pleas, Warren County, Ohio to the United States District Court for the Southern District of Ohio, Western Division, and in support thereof, states as follows:

1. This action was commenced on April 3, 2020 by Plaintiff, Heather Parker, against Defendants, Target Corporation, and the State of Ohio, Department of Medicaid. See Court Docket from Warren County Court of Common Pleas (Exhibit A) and Complaint (Exhibit B) attached hereto.

2. Defendant, Target Corporation, was served with the Summons and Complaint on April 10, 2020. Attached as Exhibit C is the Summons issued to Defendant, Target Corporation.

3. Defendant, Target Corporation, was served with the Summons and Complaint on April 10, 2020 (Exhibit D).

4. The Answer and Cross-Claim of Defendant, State of Ohio, Department of Medicaid, attached hereto, was filed on April 30, 2020 (Exhibit E).

5. The Answer of Defendant, Target Corporation, to Plaintiff's Complaint was served on counsel on May 4, 2020 and sent by Federal Express on that same date for overnight delivery on May 5, 2020 to the Warren County Clerk of Courts for filing. Defendant believes that the Answer of Defendant, Target Corporation, to Plaintiff's Complaint was filed on May 5, 2020 but the Clerk of Court as of noon on May 7, 2020 had not yet docketed any filings for May 5, 2020, apparently due to limited staff related to the Coronavirus pandemic. Therefore, Defendant does not have access to a time-stamped copy of its Answer to Plaintiff's Complaint but will separately file that with the Court as soon as it becomes available.

6. The Answer of Defendant, Target Corporation, to the Cross-Claim of Defendant, State of Ohio, Department of Medicaid, was served on counsel on May 4, 2020 and sent by Federal Express on that same date for overnight delivery on May 5, 2020 to the Warren County Clerk of Courts for filing. Defendant believes that the Answer of Defendant, Target Corporation, to the Cross-Claim of Defendant, State of Ohio, Department of Medicaid was filed on May 5, 2020 but the Clerk of Court as of noon on May 7, 2020 had not yet docketed any filings for May 5, 2020, apparently due to limited staff related to the Coronavirus pandemic. Therefore, Defendant does not have access to a time-stamped copy of its Answer to the Cross-Claim but will separately file that with the Court as soon as it becomes available.

7. This is a civil action for money damages. Plaintiff, Heather Parker, is alleging that she sustained temporary and permanent bodily injuries as a result of an incident which occurred at a Target store on April 20, 2020.

8. Plaintiff, Heather Parker, alleges that she has endured pain and suffering and will continue to do so in the future. Plaintiff further alleges that she has incurred and will continue to incur in the future medical expenses and lost wages as a result of the incident alleged and described in Plaintiff's Complaint. Plaintiff alleges that her lost wages and medical expenses are in undetermined amounts. Plaintiff further alleges that she has lost the use and enjoyment of her good health.

9. Plaintiff's Complaint seeks recovery against Target in this matter for compensatory damages in an unspecified amount in excess of \$25,000.

10. Plaintiff made a settlement demand to Target Corporation on or about November 12, 2019 in the amount of \$135,000. Plaintiff has not made any further or lower settlement demand since that time.

11. The amount in controversy in this case, which is based on Plaintiff's settlement demand made on November 12, 2019, exceeds the amount of \$75,000.

12. This cause of action is removable to Federal Court pursuant to 28 U.S.C. Sections 1332 and 1441 because it is a civil action where the amount in controversy exceeds the value of \$75,000.00, inclusive of interest and costs, and is between citizens of different states.

13. Plaintiff is a resident of Cincinnati, Ohio according to the address shown for Plaintiff on the Complaint. The address for Plaintiff on the Complaint indicates the Plaintiff resides at 4216 Forsythia Drive, Cincinnati, Ohio 45245.

14. Defendant, Target Corporation, is a foreign corporation that is incorporated in Minnesota and licensed to do business in Ohio. The primary place of business of Defendant, Target Corporation, is in Minnesota.

15. Defendant, State of Ohio, Department of Medicaid, is a nominal Defendant that has been joined by Plaintiff for purposes of requiring the State of Ohio, Department of Medicaid, to assert a statutory subrogation lien arising out of medical bills allegedly paid by the State of Ohio, Department of Medicaid, on behalf of Plaintiff, Heather Parker, in connection with the incident alleged and described in Plaintiff's Complaint.

16. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1332. This action may be removed to this Court pursuant to 28 U.S.C. Section 1441(a).

17. This matter is properly removed by Defendant as this Notice of Removal is being filed and served within thirty (30) days of the date of service on this Defendant. Consent to removal by Defendant, State of Ohio, Department of Medicaid, is not required as they are a nominal Defendant that has been joined in this case only for purposes of asserting a statutory subrogation lien.

18. Defendant has paid all fees required by law in connection with this Notice of Removal.

19. Written notice of the filing of this Notice of Removal will be given to counsel for all other parties and the Warren County Court of Common Pleas.

WHEREFORE, Defendant, Target Corporation, hereby removes this action now pending against it from the Warren County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division.

May 7, 2020

Respectfully submitted,

/s/ Bradley L. Snyder

Bradley L. Snyder (0006270)
Roetzel & Andress, LPA
41 South High Street
Huntington Center, 21st Floor
Columbus, OH 43215
614.463.9770
bsnyder@ralaw.com

Attorney for Defendant Target Corporation

PROOF OF SERVICE

A copy of the foregoing was served on May 7, 2020 by electronic mail to:

Robert B. Acciani
O'Connor, Acciani & Levy LPA
600 Vine Street, Suite 1600
Cincinnati, Ohio 45202
bba@oal-law.com
Attorneys for Plaintiff

Ohio Department of Medicaid
Attorney General of Ohio
Attn: Joseph McCandlish
150 East Gay Street, 21st Floor
Columbus, Ohio 43215
joseph.mccandlish@ohioattorneygeneral.gov

Defendant

/s/ Bradley L. Snyder

Bradley L. Snyder (0006276)

Attorney for Defendant Target Corporation